

JUDICIARY

DATE 2-27

[illegible]



SENATE STANDING COMMITTEE REPORT

February 21, 2007

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 192** (first reading copy -- white) do pass as amended.

Signed. 

Senator Jesse Laslovich, Chair

And, that such amendments read:

1. Title, line 5 through line 6.

Strike: "AND" on line 5 through "LOCATION"

2. Page 1, line 11.

Following: "knowingly"

Insert: "or purposely"

3. Page 1, line 13.

Strike: "5 years"

Insert: "1 year"

Strike: "\$50,000"

Insert: "\$10,000"

4. Page 1, line 15 through line 28.

Strike: section 2 in its entirety

Renumber: subsequent section

5. Page 1, line 30.

Strike: "Sections"

Insert: "Section"

Strike: "and 2"

Strike: "are"

Insert: "is"

6. Page 2, line 1.

Strike: "sections"


Insert: "section"

Strike: "and 2"

- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required 

391304SC.spb



SENATE STANDING COMMITTEE REPORT

February 21, 2007

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 202** (first reading copy -- white) do pass as amended.

Signed:

Jesse Laslovich
Senator Jesse Laslovich, Chair

And, that such amendments read:

1. Page 7, line 28.

Following: "shall"

Strike: "immediately"

Insert: "within 24 hours"

2. Page 10, line 6.

Following: "shall"

Strike: "immediately"

Insert: "within 24 hours"

3. Page 10, line 26.

Following: line 25

Strike: "immediately"

Insert: "within 24 hours"

4. Page 11, line 30.

Strike: subsection (d) in its entirety

Renumber: subsequent subsections

5. Page 14, line 3 through line 5.

Following: the first "commissioner" on line 3

Strike: remainder of line 3 through the first "candidate" on line

5

6. Page 14, line 6.

Following: "equal to"

Insert: "10 times the value of"

Committee Vote:

Yes 8, No 4

Fiscal Note Required

391423SC.ssc

7. Page 14, line 7 through line 12.

Following: "obligation" on line 7

Strike: remainder of line 7 through "expenditures" on line 12

8. Page 14, line 14 through line 16.

Following: "given" on line 14

Strike: remainder of line 14 through the first "candidate" on
line 16

9. Page 19, line 3.

Strike: "\$300,000"

Insert: "\$1 million"

- END -



SENATE STANDING COMMITTEE REPORT

February 21, 2007

Page 1 of 7

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 382** (first reading copy -- white) do pass as amended.

Signed:


Senator Jesse Laslovich, Chair

And, that such amendments read:

1. Title, line 5.

Following: "FOR"

Strike: "MENTALLY ILL"

Following: "OFFENDERS"

Insert: "WITH A MENTAL DISORDER"

2. Title, line 7.

Following: "AMENDING"

Strike: "SECTIONS"

Insert: "SECTION"

Following: "3-10-303"

Strike: "AND 46-13-130"

3. Page 1, line 12 through line 13.

Following: "the" on line 12

Strike: remainder of line 12 through "Treatment" on line 13

Insert: "'Mental Health Treatment Court"

4. Page 1, line 17.

Following: line 16

Strike: "mentally ill offenders"

Insert: "persons with a mental disorder who are charged with a criminal offense"

5. Page 1, line 22.

Following: line 21

Strike: "a mentally ill"

Insert: "an"

Committee Vote:

Yes 11, No 1

Fiscal Note Required 

391458SC.ssc

Following: "offender"
Insert: "with a mental disorder"

6. Page 1, line 24.

Following: "mental"

Strike: "illness"

Insert: "health"

7. Page 1, line 25.

Following: "of"

Strike: "mentally ill offenders"

Insert: "participants"

8. Page 2, line 2.

Following: "with"

Insert: "a"

Following: "mental"

Strike: "illness"

Insert: "disorder"

9. Page 2, line 7.

Following: "that"

Strike: "may consist of"

Insert: ":

(a) must include"

10. Page 2, line 8.

Strike: "(a)"

Insert: "(i)"

11. Page 2, line 9.

Strike: "(b)"

Insert: "(ii)"

12. Page 2, line 10.

Strike: "(c)"

Insert: "(iii)"

Following: "attorney;"

Insert: "(iv) the participant; and

(v) the mental health treatment court coordinator; and

(b) may include the following additional members:"

13. Page 2, line 11.

Strike: "(d)"

Insert: "(i)"

14. Page 2, line 12.

Strike: subsection (e) in its entirety

15. Page 2, line 13.

Strike: "(f)"

Insert: "(ii)"

16. Page 2, line 14.

Strike: "(g)"

Insert: "(iii)"

17. Page 2, line 15.

Strike: "(h)"

Insert: "(iv)"

18. Page 2, line 16.

Strike: "(i)"

Insert: "(v)"

Following: "services;"

Strike: "and"

19. Page 2, line 17.

Following: line 16

Insert: "(vi) a mental health advocate; and"

20. Page 2, line 17.

Strike: "(j)"

Insert: "(vii)"

21. Page 2, line 22.

Strike: subsection (9) in its entirety

Renumber: subsequent subsections

22. Page 2, line 23.

Following: "(10)"

Strike: "'Mentally ill offender'"

Insert: "'Participant'"

23. Page 2, line 23 through line 24.

Following: "which" on line 23

Strike: remainder of line 23 through "illness" on line 24

Insert: "a mental disorder, as defined in 53-21-102,"

24. Page 2, line 24.

Following: "of"

Strike: "an"

Insert: "the"

25. Page 2, line 25.

Following: "before a"

Strike: "mentally ill offender's"

Insert: "participant's"

26. Page 2, line 27.

Strike: "offender's"

Insert: "participant's"

27. Page 2, line 28.

Following: "drug"

Insert: ", but does not include inadvertent error in the use of medication"

28. Page 3, line 3.

Following: "which"

Strike: "mentally ill offenders"

Insert: "persons with a mental disorder who are charged with a criminal offense"

29. Page 3, line 8 through line 11.

Following: "agreement" on line 8

Strike: remainder of line 8 through "agreement" on line 11

30. Page 3, line 17 through line 28.

Following: "agreement" on line 17

Strike: remainder of line 17 through "court." on line 28

Insert: "for failure to comply with the agreement. Prior to imposition of a sanction, the mental health treatment court team shall review the participant's individual treatment program and the participant's conduct. If the mental health treatment court team determines that the participant's failure to comply:

(a) was not willful, was a symptom of a mental disorder, or was a result of an inappropriate treatment plan, the court may impose sanctions, including:

(i) fines;

(ii) extension of time in the program;

(iii) peer review; or

(iv) geographical restrictions; or

(b) was willful, not a symptom of a mental disorder, and not the result of an inappropriate treatment plan, the court may impose sanctions, including:

(i) a short-term jail sentence;

(ii) termination of participation in the program; or

(iii) contempt of court."

31. Page 3, line 29.

Following: "court, a"

Strike: "mentally ill offender's"

Insert: "participant's"

32. Page 4, line 3.

Following: "A"

Strike: "mentally ill offender"
Insert: "participant"
Following: "program"
Strike: "may"
Insert: "must"

33. Page 4, line 4.
Following: "the time the"
Strike: "offender"
Insert: "participant"

34. Page 4, line 8.
Following: "regarding"
Strike: "mentally ill offenders"
Insert: "participants"

35. Page 4, line 9.
Following: "determining the"
Strike: "offender's"
Insert: "participant's"

36. Page 4, line 12.
Following: "only to"
Strike: "offenders"
Insert: "persons with a mental disorder who are charged with a criminal offense"

37. Page 4, line 14.
Following: "to"
Strike: "mentally ill offenders"
Insert: "participants"

38. Page 4, line 21.
Following: "Each"
Strike: "mentally ill offender"
Insert: "participant"

39. Page 4, line 24.
Following: "concerning the"
Strike: "mentally ill offender's"
Insert: "participant's"

40. Page 5, line 5.
Following: "that"
Strike: "mentally ill offenders"
Insert: "participants"

41. Page 5, line 8.
Following: "a"

Strike: "mentally ill offender's"

Insert: "participant's"

42. Page 5, line 9.

Following: "upon"

Strike: "objective medical diagnostic criteria"

Insert: "evidence-based treatment principles"

43. Page 5, line 12.

Following: "for"

Strike: "mentally ill offenders"

Insert: "participants"

44. Page 5, line 16.

Following: the second "that"

Strike: "an offender"

Insert: "a participant"

45. Page 5, line 19.

Following: "refer the"

Strike: "mentally ill offender"

Insert: "participant"

46. Page 5, line 21.

Following: "to"

Strike: "mentally ill offenders"

Insert: "participants"

47. Page 5, line 22 through line 23.

Following: "of the" on line 22

Strike: remainder of line 22 through "offender's" on line 23

Insert: "participant's"

48. Page 5, line 24 through line 25.

Strike: subsection (6) in its entirety

49. Page 5, line 27 through line 28.

Following: "(1)" on line 27

Strike: remainder of line 27 through "court." on line 28

Insert: "There is a mental health treatment court federal
resources account in the federal special revenue fund that
is administered by the office of court administrator."

50. Page 6, line 2.

Following: "A"

Strike: "mentally ill offender"

Insert: "participant"

51. Page 6, line 3.

Following: "by a"
Strike: "mentally ill offender"
Insert: "participant"

52. Page 6, line 4.
Following: "the"
Strike: "mentally ill offender's"
Insert: "participant's"

53. Page 6, line 6.
Following: "from"
Strike: "an offender"
Insert: "a participant"

54. Page 6, line 17 through line 18.
Following: "the" on line 17
Strike: remainder of line 17 through "offender" on line 18
Insert: "participant"

55. Page 7, line 11 through page 8, line 8.
Strike: section 10 in its entirety
Renumber: subsequent sections

- END -



SENATE STANDING COMMITTEE REPORT

February 21, 2007

Page 1 of 8

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 383** (first reading copy -- white) do pass as amended.

Signed:

Jesse Daslovich
Senator Jesse Daslovich, Chair

And, that such amendments read:

1. Title, lines 6 and 7.

Following: "TRUST;" on line 6

Insert: "AND"

Strike: "SECTION" on line 6

Insert: "SECTIONS 71-1-228,"

Following: "71-1-321,"

Insert: "AND 76-3-201,"

Following: "MCA" on line 6

Strike: remainder of line 6 through "DATE" on line 7

2. Page 2, line 4.

Following: "include"

Insert: "not only full monetary payment, but also"

3. Page 2, line 19.

Strike: "the legal title to"

Insert: "a security interest in"

4. Page 2, line 22.

Following: "conveying"

Insert: "a security interest in"

5. Page 4, line 12.

Strike: "to be"

Strike: "only"

Committee Vote:

Yes 12, No 0

Fiscal Note Required —

KD

391332SC.spb

6. Page 4, line 13.

Strike: "that"

Insert: "only if that fictitious deed of trust"

7. Page 5, line 6.

Following: "recorded,"

Insert: "the recorder's document number, if any,"

8. Page 5, line 7.

Following: "trustee"

Strike: ", and the"

Insert: ". The"

9. Page 5, line 15.

Following: "interest"

Insert: "and record the reconveyance at the trustee's expense"

10. Page 5, line 30.

Following: line 29

Insert: "(a) the obligation secured by the deed of trust has been fully paid by the trustor or the trustor's successor in interest and evidence of the full payment has been provided to the title insurer or title insurance producer;"

Renumber: subsequent subsections

11. Page 6, line 13.

Following: "section"

Insert: "6 or"

12. Page 6, line 26.

Following: "INFORMATION:"

Insert: "Recorded on _____, 20__"

13. Page 6, line 30.

Following: line 29

Insert: "affecting real property located in _____ County, Montana."

14. Page 7, line 2.

Following: "warranty,"

Insert: "and record the reconveyance"

15. Page 7, line 9.

Following: "trust"

Insert: "and record the reconveyance"

16. Page 7, line 25.

Strike: "trustors"

Insert: "trustor"

17. Page 8, line 9.

Following: the first "("

Insert: "Acknowledgment -"

18. Page 10, line 4.

Strike: "foreclosure"

Insert: "trustee's sale"

19. Page 12, line 15.

Following: "obtained a"

Strike: "foreclosure"

Insert: "trustee's sale"

Following: "The"

Strike: "foreclosure"

Insert: "trustee's sale"

20. Page 12, line 17.

Strike: "foreclosure"

Insert: "trustee's sale"

21. Page 12, line 19.

Following: "in the"

Strike: "foreclosure"

Insert: "trustee's sale"

22. Page 12, line 23.

Following: "trustor"

Insert: "by ordinary first-class mail, and a second copy must be
mailed to the trustor by certified mail, both with postage
prepaid"

23. Page 12, lines 29 and 30.

Following: "provided in" on line 29

Strike: remainder of line 29 through "(7)" on line 30

Insert: "[section 20]"

24. Page 13, line 5.

Strike: "instrument"

Insert: "document"

Following: "number,"

Insert: "if any,"

25. Page 13, line 16.

Following: "right to"

Insert: "cure the default and"

26. Page 13, line 24.

Strike: "and"

Insert: "or"

27. Page 13, line 30.

Strike: "You"

Insert: "Prior to the expiration of the cure period, you"

28. Page 14, line 1.

Following: "made"

Insert: ", together with foreclosure-related expenses"

29. Page 14, line 23.

Strike: "boldface"

30. Page 14, line 24.

Strike: "boldface"

31. Page 14, line 26.

Following: "purchaser"

Insert: "who takes"

Following: the first "faith"

Insert: "for value and without notice"

Following: "encumbrancer"

Insert: "who takes"

32. Page 14, line 29.

Strike: "date"

Insert: "data"

33. Page 15, line 1.

Following: "foreclosed"

Insert: "as well as at any subsequent address of the trustor
actually known to the trustee"

34. Page 15, line 18.

Following: "county"

Insert: "or for which a notice of contract for deed has been
recorded in the county"

35. Page 15, line 20.

Following: "recorded"

Insert: "or for which a notice of the option or right has been
recorded in the county"

36. Page 15, line 23.

Following: "located"

Insert: ";

(h) other lienholders or encumbrancers of record"

37. Page 15, line 26.

Following: "persons"

Insert: "identified in subsections (6)(b) through (6)(h) who is"

38. Page 16, line 5.

Following: "action."

Insert: "All notices are effective upon deposit in the U.S. mail with postage prepaid. [Section 20] and this section require that notices of default and notices of sale be sent by both first-class mail and certified mail."

39. Page 16, line 10.

Strike: "foreclosure"

Insert: "trustee's sale"

40. Page 16, line 28.

Strike: "foreclosure"

Insert: "trustee's sale"

41. Page 18, line 1.

Following: "such as"

Insert: "loan installment payments,"

Following: "taxes"

Insert: ", "

42. Page 18, line 24.

Strike: "of"

Insert: "in"

43. Page 18, line 25.

Following: "filed"

Insert: "by the trustor or the trustor's successor in interest"

44. Page 18, lines 27 and 28.

Following: "(2)" on line 27

Strike: remainder of line 27 through "date" on line 28

45. Page 19, line 3.

Following: "sale"

Insert: "that is made"

Strike: "an"

Insert: "a prohibiting"

46. Page 20, line 22.

Following: "bid, the"

Insert: "foreclosing"

47. Page 20, line 24.
Following: "between the"
Insert: "foreclosing"

48. Page 20, line 25.
Following: "of the"
Insert: "foreclosing"

49. Page 21, line 19.
Following: "by"
Insert: "reason of"

50. Page 21, line 27.
Strike: "and"
Insert: "under"

51. Page 22, line 3.
Strike: "20-day"

52. Page 23, line 8.
Strike: "or"
Insert: "and"

53. Page 23, line 29.
Following: "shall"
Insert: "within 10 days after the sale"

54. Page 23, line 30.
Strike: "19(3)"
Insert: "19(6)"

55. Page 24, line 7.
Following: "mortgage,"
Insert: "trust indenture,"

56. Page 24, line 13.
Following: "amount of"
Insert: "court filing fees and"

57. Page 24, line 14.
Following: "court;"
Insert: "and"

58. Page 24, lines 15 and 16.
Following: "court" on line 15
Insert: "a petition for determination under subsection (3),
together with the originals of"

Following: "documents" on line 15

Strike: remainder of line 15 through "interest" on line 16

59. Page 24, line 19.

Following: "hearing."

Insert: "Upon receipt of the court's determination, the clerk of court shall discharge the funds in accordance with the court's determination."

60. Page 24, line 22.

Insert: "**Section 27.** Section 71-1-228, MCA, is amended to read:

"71-1-228. Rights of redemption applicable. All of the rights, powers, and privileges concerning the redemption from sales of real estate applicable to the sales of real estate under foreclosure proceedings or sales under execution ~~shall~~ must be granted and allowed to sales of real estate under and by virtue of the power of sale contained in any mortgage or deed of trust in this state, except to sales of real estate under and by virtue of the power of sale conferred upon a trustee under a trust indenture as defined in the Small Tract Financing Act of Montana or a deed of trust governed by [sections 1 through 26]."

61. Page 25, line 3.

Insert: "**Section 29.** Section 76-3-201, MCA, is amended to read:

"76-3-201. Exemption for certain divisions of land -- fees for examination of division. (1) Unless the method of disposition is adopted for the purpose of evading this chapter, the requirements of this chapter may not apply to any division of land that:

(a) is created by order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain, Title 70, chapter 30;

(b) subject to subsection (3), is created to provide security for mortgages, liens, deeds of trust, or trust indentures for the purpose of construction, improvements to the land being divided, or refinancing purposes;

(c) creates an interest in oil, gas, minerals, or water that is severed from the surface ownership of real property;

(d) creates cemetery lots;

(e) is created by the reservation of a life estate;

(f) is created by lease or rental for farming and agricultural purposes;

(g) is in a location over which the state does not have jurisdiction; or

(h) is created for rights-of-way or utility sites. A subsequent change in the use of the land to a residential, commercial, or industrial use is subject to the requirements of

this chapter.

(2) Before a court of record orders a division of land under subsection (1)(a), the court shall notify the governing body of the pending division and allow the governing body to present written comment on the division.

(3) An exemption under subsection (1)(b) applies:

(a) to a division of land of any size;

(b) if the land that is divided is not conveyed to any entity other than the financial or lending institution to which the mortgage, lien, deed of trust, or trust indenture was given or to a purchaser upon foreclosure of the mortgage, lien, deed of trust, or trust indenture. A transfer of the divided land, by the owner of the property at the time that the land was divided, to any party other than those identified in this subsection (3)(b) subjects the division of land to the requirements of this chapter.

(c) to a parcel that is created to provide security as provided in subsection (1)(b). The remainder of the tract of land is subject to the provisions of this chapter if applicable.

(4) The governing body may examine a division of land to determine whether or not the requirements of this chapter apply to the division and may establish reasonable fees, not to exceed \$200, for the examination.""

Renumber: subsequent sections

62. Page 25, line 8.

Strike: section 29 in its entirety

- END -



SENATE STANDING COMMITTEE REPORT

February 21, 2007

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 424** (first reading copy -- white) do pass.


Signed: 

Senator Jesse Laslovich, Chair

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required — 

391256SC.spb



SENATE STANDING COMMITTEE REPORT

February 21, 2007

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 411** (first reading copy -- white) do pass.


Signed: 

Senator Jesse Laslovich, Chair

- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required  _____

391003SC.spb



SENATE STANDING COMMITTEE REPORT

February 21, 2007

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 433** (first reading copy -- white) do pass as amended.

Signed: 

Senator Jesse Laslovich, Chair

And, that such amendments read:

1. Title, line 5.

Following: "AMENDING"

Strike: "SECTIONS 46-18-201 AND"

Insert: "SECTION"

2. Page 1, line 10 through page 4, line 3.

Strike: section 1 in its entirety

Insert: "NEW SECTION. **Section 1. Termination of remaining portion of deferred or suspended sentence -- petition.** (1) When imposition of a sentence has been deferred or execution of a sentence has been suspended, the prosecutor or defendant may file a petition to terminate the time remaining on the sentence if:

(a) in the case of a deferred imposition of sentence, the defendant has served one-half of the sentence and has demonstrated compliance with supervision requirements; or

(b) in the case of a suspended sentence:

(i) the defendant has served two-thirds of the time suspended; and

(ii) the defendant has been granted a conditional discharge from supervision under 46-23-1011 and has demonstrated compliance with the conditional discharge for a minimum of 12 months.

(2) The court may hold a hearing on the petition on its own motion or upon request of the prosecutor or the defendant.

(3) The court may grant the petition if it finds that:

(a) termination of the remainder of the sentence is in the best interests of the defendant and society;

(b) termination of the remainder of the sentence will not present an unreasonable risk of danger to the victim of the offense; and

Committee Vote:

Yes 12, No 0

Fiscal Note Required ____

391424SC.ssc

(c) the defendant has paid all restitution and court-ordered financial obligations in full."

3. Page 4, line 8.

Following: line 7

Strike: "vacation"

Insert: "termination"

Strike: "46-18-201(9)"

Insert: "[section 1]"

4. Page 4, line 16.

Following: line 15

Insert: "NEW SECTION. Section 3. Codification instruction.

[Section 1] is intended to be codified as an integral part of Title 46, chapter 18, part 2, and the provisions of Title 46, chapter 18, part 2, apply to [section 1]."

- END -



SENATE STANDING COMMITTEE REPORT

February 21, 2007

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 447** (first reading copy -- white) do pass as amended.

Signed: 

Senator Jesse Laslowich, Chair

And, that such amendments read:

1. Page 2, line 6.

Following: "subsection"

Strike: "(6) (b)"

Insert: "(6) (c)"

2. Page 2, line 7 through line 8.

Following: "filed" on line 7

Strike: remainder of line 7 through "offense" on line 8

Insert: "in the court file"

3. Page 2, line 9.

Following: line 8

Insert: "(b) If the victim is under 18 years of age, copies provided under subsection (6) (a) must be provided to the victim's parent or guardian instead of to the minor victim."

4. Page 2, line 9.

Following: line 8

Strike: "(b)"

Insert: "(c)"

- END -

Committee Vote:

Yes 11, No 1

Fiscal Note Required 

391445SC.spb



SENATE STANDING COMMITTEE REPORT

February 21, 2007

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 450** (first reading copy - white) do pass as amended.

Signed: 

Senator Jesse Laslovich, Chair

And, that such amendments read:

1. Page 2, line 12.

Following: "6"

Strike: "24"

Insert: "60"

2. Page 2, line 20.

Following: "6"


Strike: "24"

Insert: "60"

- END -

Committee Vote:

Yes 7, No 5

Fiscal Note Required 

391509SC.ssc



SENATE STANDING COMMITTEE REPORT

February 21, 2007

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 536** (first reading copy -- white) do pass as amended.

Signed. 

Senator Jesse Laslovich, Chair

And, that such amendments read:

1. Title, line 6.

Following: "LINES"

Insert: "AND APPURTENANT FACILITIES"

2. Page 3, line 12.


Following: "lines"

Insert: "and appurtenant facilities"

- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required — 

391255SC.spb

COMMITTEE FILE COPY

TABLED BILL

The **SENATE JUDICIARY COMMITTEE** TABLED **SB 229, SB 357, SB 385, SJ 14**, by motion, on
Wednesday, February 21, 2007.

Carol Andersen
(For the Committee)

Kf
(Secretary of the Senate)

 2-21
(Time) (Date)

February 21, 2007

Carol R. Andersen, Secretary

Phone: 444-4697

**MONTANA STATE SENATE
2007 LEGISLATURE**

JUDICIARY

ROLL CALL VOTE

DATE 2-21-07 BILL NO. 326 NUMBER _____

MOTION: amend - substitute Shockley

| NAME | AYE | NO |
|-------------------------------------|-----|----|
| SEN. LYNDIA MOSS (D) | ✓ | |
| SEN. DAN McGEE (R) | ✓ | |
| SEN. CAROL WILLIAMS (D) <i>p</i> | ✓ | |
| SEN. CAROL JUNEAU (D) | ✓ | |
| SEN. GERALD PEASE (D) | ✓ | |
| SEN. JIM SHOCKLEY (R) | ✓ | |
| SEN. AUBYN CURTISS (R) | | ✓ |
| SEN. JERRY O'NEIL (R) | ✓ | |
| SEN. LARRY JENT (D) | ✓ | |
| SEN. GARY PERRY (R) | | ✓ |
| SEN. DAVID WANZENRIED (D) | ✓ | |
| SEN. JESSE LASLOVICH (D) CHAIRMAN | ✓ | |
| | | |
| VALENCIA LANE, LSD | | ✓ |
| CAROL ANDERSEN, COMMITTEE SECRETARY | | |

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 2-21 BILL NO. 426 NUMBER _____

MOTION: Do Pass as amended

| NAME | AYE | NO |
|-------------------------------------|-----|----|
| SEN. LYNDA MOSS (D) | ✓ | |
| SEN. DAN McGEE (R) | ✓ | |
| SEN. CAROL WILLIAMS (D) <i>X</i> | ✓ | |
| SEN. CAROL JUNEAU (D) | ✓ | |
| SEN. GERALD PEASE (D) | ✓ | |
| SEN. JIM SHOCKLEY (R) | ✓ | |
| SEN. AUBYN CURTISS (R) | ✓ | |
| SEN. JERRY O'NEIL (R) | ✓ | |
| SEN. LARRY JENT (D) | ✓ | |
| SEN. GARY PERRY (R) | | ✓ |
| SEN. DAVID WANZENRIED (D) | | ✓ |
| SEN. JESSE LASLOVICH (D) CHAIRMAN | ✓ | |
| | 10 | 2 |
| VALENCIA LANE, LSD | | |
| CAROL ANDERSEN, COMMITTEE SECRETARY | | |

**MONTANA STATE SENATE
2007 LEGISLATURE**

JUDICIARY

ROLL CALL VOTE

DATE 2-21-07 BILL NO. 450 NUMBER 1

MOTION: Carol Juneau segregate 2011

| NAME | AYE | NO |
|-------------------------------------|-----|----|
| SEN. LYNDA MOSS (D) | | ✓ |
| SEN. DAN McGEE (R) | | ✓ |
| SEN. CAROL WILLIAMS (D) | | ✓ |
| SEN. CAROL JUNEAU (D) | ✓ | |
| SEN. GERALD PEASE (D) | ✓ | |
| SEN. JIM SHOCKLEY (R) | ✓ | |
| SEN. AUBYN CURTISS (R) | | ✓ |
| SEN. JERRY O'NEIL (R) | | ✓ |
| SEN. LARRY JENT (D) | ✓ | |
| SEN. GARY PERRY (R) | | ✓ |
| SEN. DAVID WANZENRIED (D) | | ✓ |
| SEN. JESSE LASLOVICH (D) CHAIRMAN | ✓ | |
| | 5 | 7 |
| VALENCIA LANE, LSD | | |
| CAROL ANDERSEN, COMMITTEE SECRETARY | | |

F

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE _____ BILL NO. 450 NUMBER 2

MOTION: amend 24-60 months

| NAME | AYE | NO |
|-------------------------------------|-----|----|
| SEN. LYNDA MOSS (D) | ✓ | |
| SEN. DAN McGEE (R) | | ✓ |
| SEN. CAROL WILLIAMS (D) | ✓ | |
| SEN. CAROL JUNEAU (D) | ✓ | |
| SEN. GERALD PEASE (D) | | ✓ |
| SEN. JIM SHOCKLEY (R) | ✓ | |
| SEN. AUBYN CURTISS (R) | ✓ | |
| SEN. JERRY O'NEIL (R) | ✓ | ✓ |
| SEN. LARRY JENT (D) | ✓ | |
| SEN. GARY PERRY (R) | ✓ | ✓ |
| SEN. DAVID WANZENRIED (D) | ✓ | |
| SEN. JESSE LASLOVICH (D) CHAIRMAN | ✓ | |
| | 8 | 4 |
| VALENCIA LANE, LSD | | |
| CAROL ANDERSEN, COMMITTEE SECRETARY | | |

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE _____ BILL NO. 450 NUMBER O'Neil ³

MOTION: to Insert 2009 Amendment
strike 2013

| NAME | AYE | NO |
|-------------------------------------|-----|----|
| SEN. LYNDA MOSS (D) | | ✓ |
| SEN. DAN McGEE (R) | ✓ | |
| SEN. CAROL WILLIAMS (D) | | ✓ |
| SEN. CAROL JUNEAU (D) | | ✓ |
| SEN. GERALD PEASE (D) | | ✓ |
| SEN. JIM SHOCKLEY (R) | ✓ | |
| SEN. AUBYN CURTISS (R) | ✓ | |
| SEN. JERRY O'NEIL (R) | ✓ | |
| SEN. LARRY JENT (D) | | ✓ |
| SEN. GARY PERRY (R) | ✓ | |
| SEN. DAVID WANZENRIED (D) | ✓ | |
| SEN. JESSE LASLOVICH (D) CHAIRMAN | | ✓ |
| | 6 | 6 |
| VALENCIA LANE, LSD | | |
| CAROL ANDERSEN, COMMITTEE SECRETARY | | |

F ✓

**MONTANA STATE SENATE
2007 LEGISLATURE**

JUDICIARY

ROLL CALL VOTE

DATE _____ BILL NO. 450 NUMBER 4

MOTION: to Table

| NAME | AYE | NO |
|-------------------------------------|-----|----|
| SEN. LYNDA MOSS (D) | | ✓ |
| SEN. DAN McGEE (R) | ✓ | |
| SEN. CAROL WILLIAMS (D) | | ✓ |
| SEN. CAROL JUNEAU (D) | | ✓ |
| SEN. GERALD PEASE (D) | | ✓ |
| SEN. JIM SHOCKLEY (R) | | ✓ |
| SEN. AUBYN CURTISS (R) | ✓ | |
| SEN. JERRY O'NEIL (R) | ✓ | |
| SEN. LARRY JENT (D) | | ✓ |
| SEN. GARY PERRY (R) | ✓ | |
| SEN. DAVID WANZENRIED (D) | | ✓ |
| SEN. JESSE LASLOVICH (D) CHAIRMAN | | ✓ |
| | 4 | 8 |
| VALENCIA LANE, LSD | | |
| CAROL ANDERSEN, COMMITTEE SECRETARY | | |

F

**MONTANA STATE SENATE
2007 LEGISLATURE**

JUDICIARY

ROLL CALL VOTE

DATE 2-21 BILL NO. SB 450 NUMBER 5

MOTION: Bill is amended

| NAME | AYE | NO |
|-------------------------------------|-----|----|
| SEN. LYNDA MOSS (D) | ✓ | |
| SEN. DAN McGEE (R) | | ✓ |
| SEN. CAROL WILLIAMS (D) | ✓ | |
| SEN. CAROL JUNEAU (D) | ✓ | |
| SEN. GERALD PEASE (D) | ✓ | |
| SEN. JIM SHOCKLEY (R) | | ✓ |
| SEN. AUBYN CURTISS (R) | | ✓ |
| SEN. JERRY O'NEIL (R) | | ✓ |
| SEN. LARRY JENT (D) | ✓ | |
| SEN. GARY PERRY (R) P | | ✓ |
| SEN. DAVID WANZENRIED (D) | ✓ | |
| SEN. JESSE LASLOVICH (D) CHAIRMAN | ✓ | |
| | 7 | 5 |
| VALENCIA LANE, LSD | | |
| CAROL ANDERSEN, COMMITTEE SECRETARY | | |

**MONTANA STATE SENATE
2007 LEGISLATURE**

JUDICIARY

ROLL CALL VOTE

DATE 2-21-07 BILL NO. 5714 NUMBER _____

MOTION: _____

| NAME | AYE | NO |
|-------------------------------------|-----|----|
| SEN. LYNDA MOSS (D) <i>P</i> | | ✓ |
| SEN. DAN McGEE (R) | | ✓ |
| SEN. CAROL WILLIAMS (D) | | ✓ |
| SEN. CAROL JUNEAU (D) | | ✓ |
| SEN. GERALD PEASE (D) | | ✓ |
| SEN. JIM SHOCKLEY (R) | | ✓ |
| SEN. AUBYN CURTISS (R) | | ✓ |
| SEN. JERRY O'NEIL (R) | ✓ | |
| SEN. LARRY JENT (D) | | ✓ |
| SEN. GARY PERRY (R) | | ✓ |
| SEN. DAVID WANZENRIED (D) <i>P</i> | | ✓ |
| SEN. JESSE LASLOVICH (D) CHAIRMAN | | ✓ |
| | 1 | 11 |
| VALENCIA LANE, LSD | | |
| CAROL ANDERSEN, COMMITTEE SECRETARY | | |

**MONTANA STATE SENATE
2007 LEGISLATURE**

JUDICIARY

ROLL CALL VOTE

DATE 2-21 BILL NO. 202 NUMBER _____

MOTION: _____

| NAME | AYE | NO |
|-------------------------------------|----------|----------|
| SEN. LYNDA MOSS (D) <i>P</i> | <i>✓</i> | |
| SEN. DAN McGEE (R) | | <i>✓</i> |
| SEN. CAROL WILLIAMS (D) <i>P</i> | <i>✓</i> | |
| SEN. CAROL JUNEAU (D) | <i>✓</i> | |
| SEN. GERALD PEASE (D) | <i>✓</i> | |
| SEN. JIM SHOCKLEY (R) | <i>✓</i> | |
| SEN. AUBYN CURTISS (R) | | <i>✓</i> |
| SEN. JERRY O'NEIL (R) | | <i>✓</i> |
| SEN. LARRY JENT (D) | <i>✓</i> | |
| SEN. GARY PERRY (R) | | <i>✓</i> |
| SEN. DAVID WANZENRIED (D) | <i>✓</i> | |
| SEN. JESSE LASLOVICH (D) CHAIRMAN | <i>✓</i> | |
| | <i>8</i> | <i>4</i> |
| VALENCIA LANE, LSD | | |
| CAROL ANDERSEN, COMMITTEE SECRETARY | | |

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator James Leavelle

to vote my proxy on any issue before the Senate _____

_____ Committee

held on Feb. 20, 2007 , 2007.

SB 299 - table
SB 426 - amended yes

SB 424 Yes

SB 447: —
Amendment: Yes

SB 383 Amendment ~~SB 433~~ : Yes

Carol Williams

SENATOR
STATE OF MONTANA

SB 202: Yes
SB 433: Yes + Amend: Yes

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

PROXY VOTE


I, the undersigned, hereby authorize Senator _____

to vote my proxy on any issue before the Senate _____

_____ Committee

held on _____, 2007.

SB 382 : Yes
House Minority: Yes


SENATOR
STATE OF MONTANA

SENATE PROXY FORM


According to Senate Rule 30-70 (13) (f), a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator McGree
to vote my proxy on any issue before the Senate Judiciary
_____ Committee

held on 2/21/07, 2007.

SB 450 D.P. NO
SB 350 TAB YES
SB 382+(Amd) → YES


SENATOR
STATE OF MONTANA

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator McBee

to vote my proxy on any issue before the Senate Judiciary

_____ Committee

held on 2/21/07, 2007.

1. Amd 038302. agp = "Aye" SB 383
2. Amd 038301. agp = "Aye" SB 383Amd
3. SB 383 Amd = "Aye"

2
SENATOR
STATE OF MONTANA

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f), a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator Caravich
to vote my proxy on any issue before the Senate Indicating
_____ Committee

held on Feb 21, 2007.

SB 424 : Yes

SB 447 : Yes

Amendment : Yes

SB 536 : Yes

SB 053601 : Yes

SB 380 : Yes

Amendment : Yes

SB

SB 14 : NO
Yes to Table

SB 380

SENATOR

STATE OF MONTANA

SB 385 : Table Yes
Amendment : Yes

SB 380 → 02. SB → Yes
01. SB → Yes } Bill: Yes

SB 192: Yes

Abundant: Yes

SB 202: Yes

Abundant: Yes

SB 433: Yes

Abundant: Yes

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f), a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator

MANZONIS

to vote my proxy on any issue before the Senate

JUDICIARY

Committee

held on

21 FEBRUARY

, 2007.

SB 424: Yes

SB 382: Yes

SB 385: ~~NO~~ Yes
Amendment: Yes

SB 447: Yes
Amendment: Yes

Amendments: Yes

MANZONIS

SB 14: NO

SENATOR

STATE OF MONTANA

SB 536: Yes

SB 388:

SB 536.1: Yes

02. REP: Yes

01. REP: Yes

} Bill: Yes

SB 192 : Yes

Amend : Yes

SB 202 : Yes

Amend : Yes

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f), a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator Max

to vote my proxy on any issue before the Senate _____

_____ Committee

held on _____, 2007.

SB 8 Amendment - yes
yes as amended &

SB 342 yes

Casul Williams
SENATOR
STATE OF MONTANA

JUDICIARY

DATE 2-21-02

BILLS BEING HEARD TODAY SB 480, SB 481, SB 512
SB 536 SJ14

PLEASE PRINT

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

late

STATE OF MONTANA
DEPARTMENT OF JUSTICE
OFFICE OF CONSUMER PROTECTION AND VICTIM SERVICES

Mike McGrath
Attorney General



1712 9th Avenue
P.O. Box 201410
Helena, MT 59620-1410

TO: Senator Carol Juneau and Senate Judiciary Committee Members

FROM: Matthew Dale, Office of Consumer Protection & Victim Services *MD*

DATE: 20 February 2007

RE: Today's hearing on SB 454

On behalf of the Department of Justice, I apologize for a lack of representation at this morning's hearing. First thing this morning I was in front of the House Judiciary Committee testifying on HB 656, Representative Hollenbaugh's bill to fund the Office of Restorative Justice. Through a communication error, no other DOJ representative was assigned to Senate Judiciary. It was an oversight and again, I apologize.

This office is prepared to implement SB 454 to the extent we have the capacity to do so. We maintain a roster of all restorative justice programs across the state and have staff available to answer questions and make referrals. We have a solid structure in place to allow for communication with these programs and the courts.

What we do not have is the capability of "contracting with community-based programs to provide restorative justice programs..." as stated in Section 1, sub 3(a). Similarly, in sub (b) we do not have the capacity to "appoint one or more representatives of the class or group of persons against which the violation...in lieu of the victim's participation." These elements call for a level of authority that is not present in this office. At this time we are not able to compel either individuals or local programs to participate in any restorative justice process. We also have no funds available to contract with any restorative justice entity.

We are anxious to work with Senator Juneau and the Committee to implement the bill. We will take leadership to work with programs across the state to do so, with the limitations mentioned above.